UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.81
15 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Belgium*, Egypt (on behalf of the African Group), Germany, Ireland, Italy, Netherlands and Spain*: draft resolution

1997/... Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995 and 1996/76 of 23 April 1996,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms as well as to eliminate impunity,

Noting the massive return to the country from Zaire and the United Republic of Tanzania of over 1 million Rwandan refugees who left the country in 1994,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note with concern of the report of the Special Rapporteur (E/CN.4/1997/61) and the report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1997/52) concerning violations of human rights and fundamental freedoms in Rwanda,

Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda,

1. Takes note of the reports of the Special Rapporteur on the situation of human rights in Rwanda and the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights which were perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

3. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and the massacres, especially the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

5. Calls upon the Government of Rwanda to investigate with vigour, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide, and to take steps to facilitate the participation of women, particularly genocide survivors and recent returnees, in all phases of social and economic reconstruction, with particular attention to matters concerning ownership of property;

6. Also calls upon the Government of Rwanda to extend an invitation to the Special Rapporteur on violence against women to visit Rwanda, for the

purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals;

7. Welcomes the start of the trial of those suspected of the crime of genocide and crimes against humanity in Rwanda, remains concerned at the conditions under which the first genocide trials have been conducted, especially with respect to legal representation, and encourages the Government of Rwanda to renew its commitment and its efforts to guarantee fair trials in accordance with internationally agreed standards and principles;

8. Expresses its concern with respect to conditions of detention which are not in conformity with international standards, appeals to the Government of Rwanda to take further action to improve these conditions and urges the international community to assist the Government of Rwanda in that field;

9. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda for the strengthening of Rwanda's judicial system and for the reconstruction of human rights infrastructure;

10. Encourages the efforts of the Government of Rwanda to reconstruct a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international instruments;

11. Expresses its grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997, in particular the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces Armées Rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces;

12. Notes the commitment of the Government of Rwanda to investigate extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, especially the assassination of five

human rights observers - one Cambodian, one United Kingdom and three Rwandan nationals - that of three Spanish members of Médecins du monde and that of a Canadian national, and pays tribute to their memory;

14. Appeals to the Government of Rwanda to continue to ensure the security of United Nations staff, humanitarian personnel and all individuals serving in the country;

15. Expresses its satisfaction at the welcome extended by the Government of Rwanda to the Rwandan refugees who left the country in 1994 upon their massive return in November 1996, and calls upon the Government of Rwanda to guarantee their safety and right to property;

16. Calls upon States, United Nations bodies and agencies and other international organizations to intensify their efforts to contribute further financial and technical support to the efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as the implementation of the national reconstruction and resettlement programme;

17. Reaffirms the importance of the continuation of the Human Rights Field Operation in Rwanda, welcomes the cooperation the Government of Rwanda has continuously extended to it and calls upon the Government of Rwanda to ensure the security and safety of the staff of the Operation and access for that staff throughout Rwanda;

18. Reiterates its requests that all States concerned cooperate fully with the International Criminal Tribunal for Rwanda and to ensure that all those guilty of the crime of genocide, crimes against humanity and other grave violations of human rights committed in Rwanda are brought to justice in accordance with international principles of due process;

19. Expresses its appreciation for the work the Special Rapporteur has carried out in the past three years in the fulfilment of his mandate;

20. Requests the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate;

21. Requests the special representative to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session in accordance with his mandate;

22. Requests the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

23. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and to work for lasting solutions to the problem of its financing including through the regular budget of the United Nations;

24. Requests the United Nations High Commissioner for Human Rights to submit a report on the implementation of the present resolution, under agenda item 10, to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.82
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Egypt (on behalf of the African Group): draft resolution

1997/... Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties;

Recalling its resolution 1996/1 of 27 March 1996,

Recalling also Security Council resolution 1072 (1996) of 30 August 1996,

Aware of the fact that Burundi is a party to the 1951 Convention relating to the Status of Refugees, to the 1967 Protocol relating to the

Status of Refugees, to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Concerned about the coup d'état which took place on 25 July 1996 in Burundi,

Emphasizing that the primary responsibility for peace lies with the people of Burundi,

Noting the undertakings of the new authorities to restore peace and security with a view to promoting socio-economic development,

Emphasizing that the Government of Burundi is responsible for ensuring the safety of its population as well as that of personnel of international humanitarian organizations, refugees, returnees and displaced people,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Taking into account the conclusions of the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted by the Council of Ministers of the Organization of African Unity in Tripoli,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government to integrate them into the community and improve their living conditions,

1. Takes note of the interim report of the Special Rapporteur (A/51/459, annex) on the situation of human rights in Burundi, and his second report (E/CN.4/1997/12 and Corr.1), as well as its addendum of 7 March 1997;

2. Supports the efforts made by the United Nations, the Organization of African Unity and the European Union mediators in the search for a lasting solution to the problems of the Great Lakes region, and especially the efforts made by the Special Representatives of the Secretary-General of the United Nations and the Organization of African Unity;

3. Encourages the Organization of African Unity, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to put an end to the further deterioration of the situation;

4. Appeals to the countries of the region which imposed sanctions on Burundi to carry out an objective evaluation of the situation prevailing in the country as the result of the implementation of sanctions and to review the sanctions in the light of progress in the peace process;

5. Strongly condemns the massacres of innocent civilians by all parties, summary and extrajudicial executions, enforced disappearances, arbitrary arrests and detention, violence and restrictions on movement;

6. Encourages all the parties to the conflict to work towards ending the cycle of violence and unacceptable killings of innocent people, including refugees, and in particular women, children and the elderly;

7. Regrets that the changes which occurred on 25 July 1996 were unconstitutional but notes the intention of the transitional government to call a general election after three years in power;

8. Strongly condemns the murder of three workers from the delegation of the International Committee of the Red Cross which took place at Mugina in the Cibitoke province on 4 June 1996, and urges the Government of Burundi to publish the results of the investigations carried out in this connection and to bring the culprits to justice;

9. Urges the Government of Burundi and, in particular, the armed forces of Burundi, as well as the other parties involved in the hostilities, scrupulously to respect the principles and rules of international humanitarian law and to facilitate the activities of the International Committee of the Red Cross so that it may carry out its mandate;

10. Notes the functioning of the Criminal Appeal Court and requests the Government of Burundi to do everything possible to facilitate its work so as to eradicate impunity quickly;

11. Expresses its satisfaction at the dismantling of the radio stations which broadcast messages of hatred and violence, as well as the sanctions taken against local newspapers which were pursuing the same objectives;

12. Encourages the Burundian authorities in their efforts to promote conditions for reform and national reconciliation;

13. Supports the Government of Burundi in its commitment to continuing the dialogue among the Burundians, including armed factions, in order to reach a lasting political settlement and to promote a climate of reconciliation;

14. Urges the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi;

15. Calls upon the Government of Burundi to continue to cooperate with the Human Rights Field Operation in Burundi and to provide it with access throughout the country;

16. Calls for the expansion of the Human Rights Field Operation to 35 observers as planned and agreed;

17. Makes a strong appeal to the international community to commit itself resolutely to contributing to reconciliation and confidence-building in the Great Lakes region;

18. Welcomes the international efforts to reach a durable solution to the conflict in Burundi and calls on all parties to work constructively with the international mediators;

19. Requests States not to allow their territories to be used as bases for incursions or attacks against other States, in violation of the principles of international law and of the Charter of the United Nations;

20. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

21. Urges States and international and governmental organizations to cooperate with any initiatives aimed at the reconstruction of Burundi and calls upon international financial institutions to support these initiatives;

22. Welcomes with satisfaction the implementation of a programme of technical assistance, and invites the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide ongoing assistance, particularly in the field of justice and the training of members of the armed forces and the police, and to promote human rights;

23. Requests the Special Rapporteur to report to the Commission on Human Rights at its fifty-fourth session under agenda item 10 and to the General Assembly at its fifty-second session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.83
10 April 1997

ENGLISH
Original: ARABIC

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Algeria, Bahrain*, Bangladesh, Cuba, Egypt, Indonesia, Jordan*, Kuwait*, Lebanon*, Malaysia, Morocco*, Oman*, Qatar*, Sudan*, Syrian Arab Republic*, Tunisia*, United Arab Emirates* and Yemen*: draft resolution

1997/... Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the IVth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, and in particular the large-scale offensive launched in April 1996 which caused a large number of deaths and injuries among civilians, displaced thousands of families and destroyed many dwellings and public utilities,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Reaffirming its resolution 1996/68 of 23 April 1996, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of peaceful villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolution 425 (1978) of 19 March 1978 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-fourth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.84
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Egypt (on behalf of the African Group): draft resolution

1997/... Assistance to Equatorial Guinea in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodies in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights,

the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, and the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and E/CN.4/1997/54),

Takes note of the observation of the Special Rapporteur contained in his latest report that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Encouraging the Government, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. Welcomes the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea have provided for the Special Rapporteur during his visits, particularly that of December 1996;

2. Expresses its appreciation of the Governments efforts in welcoming the provision of advisory services and technical assistance, which have led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Notes with interest that the continuing process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. Invites the Government, in anticipation of the elections for the entire House of Representatives of the People, to take all the necessary measures to guarantee transparency and respect for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process;

5. Also invites the Government to continue the reform of the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. Encourages the Government to continue its actions aimed at promoting the enjoyment of economic, social and cultural rights;

7. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

8. Requests the United Nations High Commissioner for Human Rights to open a technical cooperation office for strengthening the national capacities of Equatorial Guinea in the field of human rights;

9. Requests the Centre for Human Rights to develop a technical cooperation project in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations bodies and agencies;

10. Decides to examine this question at its fifty-fourth session, under the item entitled "Advisory services in the field of human rights".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.84/Rev.1
14 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Egypt (on behalf of the African Group): draft resolution

1997/... Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, and the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and E/CN.4/1997/54),

Taking note of the observation of the Special Rapporteur contained in his latest report that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Noting with concern the continued existence of deficiencies or conditions that lead to violations and abuses of human rights, including the impunity enjoyed by some State officials who have perpetrated or instigated human rights violations, the failure to provide for an independent judiciary, the excessive encroachment of military jurisdiction into criminal matters, the insufficient publicity given to laws and government acts, the continued, if less blatant, repression of dissidents and opponents of the Government, the existence, albeit on a lesser scale, of torture and ill-treatment of prisoners, limitations, also on a declining scale, on the exercise of the right of assembly and other political rights, discrimination against persons belonging to distinct ethnic groups, and failure to complete procedures that would allow legal recognition of non-governmental organizations,

Encouraging the Government, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1997/54) and welcomes his report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory and the technical assistance, which has led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Notes with interest that the continuity of the process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. Invites the Government, in anticipation of the legislative elections for the entire House of Representatives of the People, to be held in 1998, to take all the necessary measures to guarantee transparency and respect for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process and, for this purpose, to continue the dialogue with all political parties, which may contribute to the advancement of the process of democratization;

5. Also invites the Government to continue the reform of the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. Encourages the Government to pay particular attention to the enjoyment of economic, social and cultural rights;

7. Also encourages the Government to continue the positive efforts it has already undertaken to put an end to the relegation of women to an inferior position and discrimination against them, and to extend their effective participation in the educational, professional, social and political spheres;

8. Further encourages the Government to implement the recommendations made by the Special Rapporteur, inter alia with respect to:

(a) The periodic and regulation publication of laws, decrees and governmental acts;

(b) Accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) The adoption of legislative and administrative measures to guarantee the full independence and impartiality of the judiciary, to ensure due process of law and the enforcement of judicial decisions by the security forces and to put into effective operation the remedy of habeas corpus;

(d) The limitation of the jurisdiction of military courts to trying strictly military offences committed by military personnel;

(e) The transmission of precise instructions to the forces of order and security against arbitrary arrests and for respect of the right of the

individual to security, integrity and freedom and to put an end to the intimidation and harassment of political party activities and of citizens in general;

(f) The immediate termination of all acts of torture and cruel, inhuman or degrading treatment or punishment and the imposition of criminal and disciplinary penalties for those responsible for such human rights violations;

(g) The dismantling of police and military checkpoints responsible for such human rights violations;

(h) The termination of the impunity of those responsible in various ways for human rights violations;

(i) Opposition to any sign or symptom of discrimination against ethnic minorities;

9. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

10. Requests the United Nations High Commissioner for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

11. Requests the Centre for Human Rights and the Special Rapporteur to continue their technical assistance project in partnership with the Government of Equatorial Guinea, in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

12. Decides to renew the mandate of the Special Rapporteur for one year;

13. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. Requests the Special Rapporteur to report to the Commission at its fifty-fourth session;

15. Decides to consider the question at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.85
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Australia*, Austria, Chile, Czech Republic, Denmark, Haiti*, Hungary*, Ireland, Italy, Japan, Madagascar, Norway*, Romania*, Senegal*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994, 1995/75 of 8 March 1995 and 1996/70 of 23 April 1996, and taking note of the report of the Secretary-General on the question (E/CN.4/1997/50),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-fourth session a report containing a compilation and analysis of any

available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-fourth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.86
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Bangladesh, China, Cuba, Egypt, Indonesia, Iran (Islamic Republic of)*, Malaysia, Nigeria*, Pakistan, Philippines and Sri Lanka: draft resolution

1997/... Rationalization of the work of the special procedures system

The Commission on Human Rights,

Guided by the purposes and principles and other relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants of Human Rights,

Recalling that the Vienna Declaration and Programme of Action states that all human rights are universal, indivisible and interdependent and interrelated,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Also recalling that the Vienna Declaration and Programme of Action underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the fact that the special procedures have held periodic meetings with the aim of exchanging views, harmonizing and rationalizing their work,

Emphasizing the principles of neutrality, non-selectivity and objectivity in the work of the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and their sensitivity to national and regional diversities and various historical, cultural, religious and legal backgrounds,

Noting the work done through the special procedures system and its contribution to the promotion and protection of human rights,

Noting also the role assigned to the special procedures in the field of human rights and the need for follow up to their conclusions and recommendations,

Noting further the importance of all States' full cooperation with the special procedures,

1. Decides that the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, while carrying out their specific mandates, shall:

(i) Continue to work independently, with the greatest amount of discretion and in an objective and impartial fashion;

(ii) Continue to bear in mind that they derive their authority from the Commission on Human Rights and the Economic and Social Council;

(iii) Continue to ensure that the information on which they base their deliberations and reports is credible and reliable;

(iv) Seek a genuine and direct dialogue and cooperation with the concerned Government;

(v) During their visits, observe the human rights situation and assist the host Government in problem areas, the purpose of such visits being to gain first-hand information on situations and to discuss

with all concerned, including Governments and non-governmental organizations and all sectors of society, how to ensure respect for human rights, to and make recommendations thereon;

(vi) Continue to undertake such visits at the invitation of the host Government;

(vii) Continue to ensure in an objective and impartial fashion that urgent appeals are made for humanitarian reasons on the basis of the gravity of the situation, wherever such a situation occurs;

(viii) Refrain from giving media publicity to their findings until these have been considered and deliberated upon by the Commission;

(ix) Continue to harmonize and rationalize their work through periodic meetings to coordinate their activities for the promotion and protection of human rights;

(x) Organize the programme of visits of thematic procedures on the basis of comparative need for such visits and the relative urgency thereof, based on the gravity of the human rights situation.

2. Requests the High Commissioner for Human Rights to designate a focal point within the Centre for Human Rights to serve as a clearing house to rationalize the work of the special procedures system and to ensure that countries are not burdened with communications that deal with the same issue or incident;

3. Request the Chairman of the Commission, when appointing special rapporteurs, to continue to consult closely with regional groups and ensure that the appointee is of recognized standing in the field of human rights, has an overall knowledge of political, social and legal systems, is sensitive to different cultural, religious and ethnic particularities, and will accordingly implement his mandate independently, impartially and objectively;

4. Invites States to consider favourably requests by mandate holders to visit their country, to facilitate their meetings with persons and organizations that are relevant to the fulfilment of their mandates; to seek to undertake a genuine dialogue with the mandate holder; and to follow up on the recommendations of the mandate holder;

5. Decides to continue to seek ways and means to rationalize the functioning of the special procedures system and to review the implementation of the present resolution at its fifty-fourth session.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.87
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Bangladesh, China, Cuba, Egypt, Iran (Islamic Republic of)*, Indonesia, Malaysia, Nigeria*, Pakistan, Philippines and Sri Lanka: draft resolution

1997/... Review of the special procedures system

The Commission on Human Rights,

Guided by the purposes and principles and the relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating the Vienna Declaration and Programme of Action which states that all human rights are universal, indivisible and interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting that the Committee on Economic, Social and Cultural Rights has highlighted the imbalance in the special rapporteur system by referring to the fact that although there are a large number of thematic and related mechanisms dealing with different aspects of civil and political rights, there is none dealing solely with the economic, social and cultural rights recognized in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights, despite the recognized interdependence, indivisibility and interrelationship of the two sets of rights,

1. Decides to undertake a comprehensive review of the thematic and related mechanisms and the special rapporteur system at its fifty-fourth session;

2. Also decides to set up an open-ended working group and requests the Secretary-General to submit a comprehensive report to the inter-sessional working group containing specific proposals for rationalization;

3. Further decides to include in its agenda for the fifty-fourth session an item entitled "Review of the special procedures system";

4. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... 1997, approves the Commission's decision to set up an inter-sessional open-ended working group of the Commission on the review of the special procedures system for a period of one year."

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.88
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Bulgaria, Canada, Cyprus*, Czech Republic, Denmark, Finland*, Germany, Greece*, Hungary*, Italy, Latvia*, Norway*, Poland*, Republic of Korea, Romania*, San Marino*, Slovenia*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, and United States of America: draft resolution

1997/... Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Recalling all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995, 1995/89 of 8 March 1995 and 1996/71 of 23 April 1996, General Assembly resolution 51/116 of 12 December 1996 and Security Council resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995, 1079 (1996) of 15 November and 1080 (1996) of 13 December 1996,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio, United States of America on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and for Security Council resolution 1037 (1996) of 15 January 1996 which establishes the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Slavonia,

Welcoming the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular article 7 thereof which, inter alia, ensures conditions for the return of refugees and displaced persons and the return of their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

I

Introduction

1. Stresses the crucial role that human rights questions play in the success of the Peace Agreement, and underlines the obligations of the parties under the Framework Agreement to secure all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro) - together, the countries of the mandate - for her efforts, welcomes the reports of the Special Rapporteur and calls on the Governments of and authorities in these States to continue to cooperate with and support the work of the Special Rapporteur, and to give immediate effect to her recommendations, both present and past, and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

3. Commends the High Commissioner for Human Rights for his activities in the implementation of the Peace Agreement, in particular by developing and conducting training for international monitors including for the Organization for Security and Cooperation in Europe and United Nations International Police Task Force missions; making available to the High Representative human rights experts; continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons, participating actively in the International Commission on Missing Persons in the Former Yugoslavia and calls upon the United Nations and all States to support fully the High Commissioner for Human Rights in carrying out his activities;

4 Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Human Rights Task Force and the Human Rights Coordination Centre of the Office of the High Representative, the European Union, the International Police Task Force and the United Nations High Commissioner for Human Rights in monitoring and strengthening the respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region;

5. Commends the efforts of host countries to offer shelter and provide refugees with humanitarian and other assistance;

II

Violations of human rights

6. Reaffirms in the strongest terms its previous condemnations of past violations of human rights in the countries of the mandate of the Special Rapporteur in particular as stated in its resolution 1996/71;

7. Expresses its serious concern about continuing human rights violations within the countries of the mandate and the delays in fully implementing the human rights provisions of the Peace Agreement;

8. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina and the practice of destroying the homes of those previously forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

9. Condemns the continuing restrictions on freedom of movement between the Republika Srpska and the Federation of Bosnia and Herzegovina and within the Federation of Bosnia and Herzegovina and within the Republika Srpska;

10. Expresses its continuing concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and demands that the perpetrators of rape be brought to justice and that the victims and witnesses receive adequate assistance and protection;

III

General obligations

11. Urges the parties and Member States to take into account the Special Rapporteur's recommendation and the declaration by the international community at the Peace Implementation Conference held in London on 4 and 5 December 1996 that, without consistent progress in implementing internationally accepted standards of human rights in Bosnia and Herzegovina, the international community will not maintain its level of commitment of human and financial resources for reconstruction;

12. Underlines in this context that, without the compliance and active participation of all the authorities in Bosnia and Herzegovina in rebuilding a civil society, and without their making progress towards political reconciliation, they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

13. Calls upon in this respect, the countries of the mandate, as well as the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska:

(a) To implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

(b) To cooperate fully with the international mechanisms which have mandates involving human rights, including the High Representative, the International Police Task Force, the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the European Commission Monitoring Mission, the Commission of Enquiry and other international, regional as well as non-governmental organizations;

(c) To cooperate effectively with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Former Yugoslavia (the Tribunal), established pursuant to Security Council resolution 808 (1993);

(d) To ensure full and free access to their territories and to relevant facilities for all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

(e) To facilitate, with the assistance of the international community, in particular the Office of the United Nations High Commissioner for Refugees, the early, safe and orderly return of refugees and displaced persons to their homes of origin or, in exceptional cases, to other places of their choice, honouring fully the commitments undertaken under the Peace Agreement in regard to human rights and refugee issues;

(f) To take immediate and effective steps to build confidence among people in order to foster civil society and to prevent new mass exoduses of populations;

(g) To implement the commitments made in the Joint Statement of the Bosnia and Herzegovina Ministerial Council, the Bosnia and Herzegovina Federal Government and the Republika Srpska Government issued in Geneva on 21 March 1997 on the repatriation of refugees and the return of and the solution to the problem of displaced persons within Bosnia and Herzegovina, in both its entities;

(h) Specifically the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina to speed up the process of normalization of their relations, in accordance with the conclusions of the high-level meeting held in Paris on 3 October 1996, and to refrain from any actions that may undermine the full implementation of the Peace Agreement;

14. Appeals to the international community to support such efforts and, in particular, the promotion of democratic institutions in the countries of the mandate, inter alia by improving the administration of justice and the functioning of free media, and by fostering a culture of respect for human rights;

IV

International Tribunal

15. Calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and, as a matter of urgency, by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

16. Also calls upon the authorities of Bosnia and Herzegovina, and in particular the authorities of the Republika Srpska, to implement immediately the "Rules of the Road" agreed in Rome on 18 February 1996 by arresting or detaining only those war crime suspects sought by the Tribunal, by notification after arrest and prompt release if the person is not sought by the Tribunal, by submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by national courts and by facilitating access to detainees by the Tribunal and other monitors and representatives of non-governmental organizations;

17. Urgently calls upon competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to apprehend and surrender for prosecution, as required by Security Council resolution 827 and the statement by the President of the Security Council on 8 May 1996, all persons indicted by the International Criminal Tribunal;

18. Notes that the large majority of those indicted by the Tribunal, including Radovan Karadzic and Ratko Mladic, according to the Special Rapporteur are living in the Republika Srpska, and deplores the failure of the authorities there to act;

19. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

V

Bosnia and Herzegovina

20. Takes note of the successful holding of elections on 14 September 1996 under the supervision of the Organization for Security and Cooperation in Europe, with the support of the European Union and other

organizations, and stresses in this regard that the primary responsibility for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of the State of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

21. Welcomes the activities the Commission on Human Rights for Bosnia and Herzegovina has undertaken, despite the lack of funding therefor, and underlines the importance of its intensifying its activities concerning alleged or apparent violations of human rights, and alleged or apparent discrimination of any kind;

22. Calls upon all authorities in Bosnia and Herzegovina:

(a) To comply with the human rights provisions of the Constitution of Bosnia and Herzegovina;

(b) To prevent human rights violations and ensure that persons under their control who commit violations are held accountable, especially violations described in the report of the Special Rapporteur, such as arbitrary detention practised by all parties and restrictions on media freedom;

(c) To ensure that local police forces fully respect and protect all human rights;

(d) To ensure full freedom of movement within, and between, the territories of both entities, as required by the Peace Agreement;

(e) To allow the return of refugees and displaced persons to their places of origin and to cease immediately actions that undermine the right to return, and to take immediate steps to repeal legislation which infringes on the right to return, including laws relating to "abandoned" property, to end illegal evictions of persons from their homes and to reinstate in their homes persons who have been evicted in violation of their rights;

(f) In particular those of the Republika Srpska and the Federation, to implement fully existing laws providing amnesty for crimes related to the conflict, other than serious violations of international humanitarian law, and, in the case of the Republika Srpska, to amend immediately its law to provide amnesty for persons who avoided conscription or deserted, as required by the Peace Agreement;

(g) To abide by the decisions of the Brcko Arbitrators and the Chairman's Conclusions of the Brcko Implementation Conference held in Vienna, on 7 March 1996, and to cooperate fully with the Office of the High Representative, the newly appointed Deputy High Representative for Brcko and other responsible actors in all aspects of its implementation;

(h) In an effort to strengthen a free press, to make publications and broadcasts from both sides easily available in each entity, and to develop where necessary an appropriate legislative framework;

(i) To cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina - the Ombudsperson and the Human Rights Chamber - created under annex 6 to the Peace Agreement, in particular by establishing procedures for assisting with investigations by, and for responding to, their requests and reports, and providing for the immediate and effective implementation and enforcement of their decisions;

(j) To create the necessary conditions for free and fair municipal elections to be held under the supervision of the Organization for Security and Cooperation in Europe;

23. Calls upon relevant cantonal governments and local authorities to take the necessary steps to end beatings, unlawful evictions and other forms of harassment, particularly in multi-ethnic areas such as Mostar and Stolac, complying fully with the demands of the Security Council contained in the statement of its President of 19 March 1997, and to prosecute to the full extent of the law before an independent and impartial tribunal those identified in the report of the International Police Task Force concerning the incidents in Mostar on 10 February 1997;

24. Calls upon authorities in the Republika Srpska to establish without delay institutions for the protection of human rights, in particular a human rights ombudsman;

25. Calls upon the international community:

(a) To help implement the decision of the Security Council to support the authority of the International Police Task Force to investigate human rights abuses committed by law enforcement personnel by, inter alia, providing the necessary resources, equipment and training, and to support also the proposal by the High Commissioner for Human Rights to continue and expand his training for the International Police Task Force;

(b) To help the parties develop law enforcement structures that are competent and dedicated to complying with the "Internationally accepted principles of policing in a democratic state" of the International Police Task Force;

(c) To continue to work constructively so that persons who have left their territory can return in safety, including those who have been accorded temporary protection by third countries;

(d) To help ensure that the Constitutional Court, the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsperson and the Human Rights Chamber, are fully supported and their decisions respected;

26. Encourages the international community to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, while calling upon the Government of Bosnia and Herzegovina to fulfil its obligations in this regard, and for the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the United Nations High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

VI

Republic of Croatia

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and the highest level of international norms and standards of human rights and fundamental freedoms and to respect the protection of free and independent media, and:

(a) To continue to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their property rights, their right to remain, leave or return in safety and dignity, and to prevent new flows of refugees from Eastern Slavonia, and to enable the restoration of the multi-ethnic character of Eastern Slavonia;

(b) To allow the expeditious return to their homes in all regions, in particular to the Krajina, of all refugees and displaced persons, to use all available means to secure their safety and human rights and to allow continued access to this population by humanitarian organizations;

(c) Within the procedures established in Rome on 18 February 1996 concerning the arrest, detention and trial of persons for violations of international humanitarian law (the "Rules of the Road"), to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

(d) To prevent harassment, looting and physical attacks against Croatian Serbs, in particular involvement by Croatian military and police officials, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

(e) To guarantee freedom of the press, including independent television, radio and print media, in all parts of the country;

(f) To respect the right of non-governmental organizations to operate without arbitrary restrictions;

(g) To fulfil the rights and guarantees pledged in the letter of 13 January 1997 (S/1997/27) from the Government of Croatia including, inter alia, the pledge to guarantee the local Serb community representation and a voice at various levels of local, regional and national government and to provide the local Serb population with the protection of their legal and civil rights under Croatian law, and to this end to fulfil their obligations regarding the completion of the issuance of citizenship and identity documents and relevant technical documents;

(h) To implement the Amnesty Law enacted on 25 September 1996;

28. Calls upon the international community:

(a) To support the proposal of the High Commissioner for Human Rights to provide human rights guidance and counseling to the civilian police contingent of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium remaining in the field in 1997 and also to support

the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of Croatia;

(b) To provide for a continued international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Commission of Enquiry, the European Community Monitoring Mission and other international organizations;

(c) To support fully the plans of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes, and commends in this regard the so-called sponsorship programme of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium;

VII

Federal Republic of Yugoslavia (Serbia and Montenegro)

29. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To undertake substantially greater efforts to institute and to implement fully democratic norms, especially in regard to respect for the principle of free and fair elections and protection of free and independent media, and full respect for human rights and fundamental freedoms;

(b) To expand opportunities for the independent media, institute non-partisan management of the state-owned media and cease efforts to restrict press and broadcast journalism;

(c) To cease torture and ill-treatment of persons in detention as described in the report of the Special Rapporteur, and to bring those responsible to justice;

(d) To revoke any discriminatory legislation, to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

(e) To respect the rights of persons belonging to minority groups, especially in Sandjak and Vojvodina, and of persons belonging to the Bulgarian and Croatian minorities;

(f) To take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, and arbitrary, unjustified evictions and dismissals;

(g) To release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information;

(h) To allow the establishment of democratic institutions in Kosovo and the right to seek, receive and impart information and ideas through any media, and in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation;

(i) Following the welcome establishment of an office of the High Commissioner for Human Rights in Belgrade and continued cooperation with the Special Rapporteur, to broaden their cooperation with institutions concerned with human rights, in particular by allowing the High Commissioner for Human Rights and the European Union to establish a presence in Pristina (Kosovo), and to allow visits by the personal representative of the Chairman in Office of the Organization for Security and Cooperation in Europe in Kosovo;

30. Calls once again upon all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and with full respect for human rights, and to refrain from acts of violence, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

31. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

32. Calls upon the international community:

(a) To establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to allow these persons to return to their homes in the Federal Republic of Yugoslavia in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) To support efforts by the Office of the United Nations High Commissioner for Refugees by encouraging and assisting the voluntary return in safety to Croatia of ethnic Serb refugees in the Federal Republic of Yugoslavia (Serbia and Montenegro) who were forcibly expelled or otherwise fled from their homes;

VIII

Missing persons

33. Thanks the expert member of the Working Group on Enforced or Involuntary Disappearances for his report (E/CN.4/1997/55) on the special process on missing persons in the territory of the former Yugoslavia;

34. Expresses its appreciation to the expert for the special process for his contribution to the eventual resolution of the problem of missing persons by his dedication to this question;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced disappearances, enhance its cooperation with the Republic of Croatia and with the State of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with Bosnia and Herzegovina and to respond positively to the efforts of the international community, including by attending high-level intergovernmental meetings to this end;

36. Welcomes in this regard the formation of the International Commission on Missing Persons and requests that the International Commission,

the High Representative, the Special Rapporteur, and the International Committee of the Red Cross coordinate their efforts, while bearing in mind the evidentiary requirements of the Tribunal, and also bearing in mind the provisions of its resolution 1996/71 that deal with this question;

37. Specifically calls upon the countries of the mandate of the Special Rapporteur:

(a) To release immediately all individuals held as a result of, or in relation to, any conflict between or among them;

(b) To release immediately to the International Committee of the Red Cross and other relevant organizations any and all information, including, but not limited to, all medical, dental and autopsy records, necessary to resolve the fate of persons missing as a result of the conflicts between and among the parties;

(c) To cooperate fully, immediately and at the highest diplomatic levels with the International Commission, the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross in their efforts to accelerate the resolution of missing person cases and to alleviate the suffering of the families of the missing;

38. Stresses the necessity of close coordination on the issue between relevant international organizations and welcomes the commitments made by the Office of the High Representative to give priority to the question of missing persons, in particular by taking active steps to ensure that excavations and exhumations are carried out where possible;

39. Requests, in consideration of the resignation of the expert for the special process, that the Special Rapporteur, the International Committee of the Red Cross, the Office of the High Representative, the headquarters of the International Commission on Missing Persons and other relevant actors consult the expert member of the Working Group so that appropriate arrangements, including for transfer of relevant information acquired by the expert, can be made for these organizations to assume the functions concerning missing persons performed by the expert member up to the date of his resignation;

40. Calls upon the international community:

(a) To provide the appropriate financial, personnel and logistical resources so that the Office of the High Representative, the relevant

governmental institutions and other organizations entrusted with the responsibility of resolving the question of missing persons can accomplish their tasks without undue delay;

(b) To ensure that excavations and exhumations of mortal remains are undertaken in conformity with internationally accepted practice;

(c) To ensure also that excavations can continue where local authorities are prevented from carrying them out or where local authorities prevent their being carried out;

IX

Special Rapporteur

41. Requests the Special Rapporteur, in addition to the activities mandated in its resolutions 1994/72 and 1996/71:

(a) To focus her fu[illegible] activities on prevention and reporting of violations of, and lack o[illegible]tion to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts to build democratic institutions and improve the administration of justice, on prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension and on protecting the rights of people belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on

Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session her overview of the human rights situation in the territories covered by her mandate, as requested in its resolution 1996/71;

42. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

43. Requests the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and decides, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of the said report;

44. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

45. Urges the Secretary General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and in particular to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.89
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Luxembourg*, Netherlands (European Union), Portugal*, Romania*, Spain, Sweden*, United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Human rights in Zaire

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission on Human Rights resolution 1996/77 of 23 April 1996, and noting Security Council resolution 1097 (1997) of 18 February 1997,

Recognizing the burden which the population of eastern Zaire has sustained in granting asylum to the Rwandan and Burundian refugees since 1994 and the accompanying environmental degradation which followed this massive influx of refugees,

1. Welcomes

(a) The reports of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1997/6 and Add.1-2);

(b) That the Government of Zaire agreed to a visit by the Special Rapporteur in the discharge of his mandate, while regretting that he was not able to visit certain areas and that the Government did not reply to his requests for information;

(c) The fact that the Government of Zaire agreed to the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa, entrusted with the task of monitoring the situation of human rights and giving advice to the governmental authorities and non-governmental organizations;

(d) The preparations for elections, including the establishment of the National Electoral Commission and of the Standing Interministerial Commission to ensure contacts between the Government and the National Electoral Commission, and welcomes the decision to hold a constitutional referendum;

2. Expresses its concern

(a) At the lack of improvement in the human rights situation and at the continuing violations of human rights and fundamental freedoms in Zaire, particularly cases of summary execution, torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, inhuman and degrading prison conditions, particularly for children and especially in the detention centres administered by the army and security services, and denial of the right to a fair trial, as well as intimidations and reprisals, in particular against political figures;

(b) At the situation of human rights defenders in Zaire;

(c) At the armed conflict in eastern Zaire, and at the high number of civilian casualties, as well as at the widespread lack of respect for human rights and international humanitarian law by all parties;

(d) That the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

(e) At all discriminatory measures based on ethnic grounds;

(f) At the occurrences of arbitrary deprivation of nationality;

(g) At the delay in the process, aggravated by the war in eastern Zaire, of democratic transition and in the organizing of free and multi-party elections, as foreseen in the Constitutional Act of Transition;

(h) At the lack of follow-up to previous recommendations by the Special Rapporteur;

3. Calls upon the Government of Zaire

(a) To put an end to the impunity of persons responsible for human rights violations, including members of the army and security forces;

(b) To intensify cooperation with the Special Rapporteur and the office of the United Nations High Commissioner for Human Rights in Kinshasa and to indicate how the Government of Zaire has taken the Special Rapporteur's recommendations into account;

(c) To ensure that all decisions concerning the acquisition or deprivation of nationality are taken in accordance with principles and norms of international law;

(d) To provide the National Commission for the Promotion and Protection of Human Rights with the necessary means to function effectively and independently, and to seek the assistance of the office of the United Nations High Commissioner for Human Rights in Kinshasa in this respect;

(e) To reinforce the judiciary and its independence;

(f) And all other parties to the conflict in eastern Zaire to approve unconditionally the five-point peace plan for eastern Zaire endorsed by the Security Council and the Organization of African Unity, and to negotiate an immediate cessation of hostilities and a peaceful settlement; to withdraw all external forces, including mercenaries; to facilitate access to the area for humanitarian organizations and to seek a political solution to the problems,

respecting the territorial integrity of Zaire, the human rights of everyone, including refugees and displaced persons, and the process of democratization in Zaire, including the holding of free and fair elections;

(g) To make further preparations for the holding of free and fair elections as foreseen in the basic agreement on the transition, drawing on assistance from the international community, and to ensure full respect for the freedom of opinion and expression, including for all mass media, as well as freedom of association and assembly throughout the territory of Zaire;

(h) To take into account the importance of civil society in implementing and strengthening the democratization process;

(i) To cooperate with respect to the strengthening of the office of the High Commissioner for Human Rights, including an increase in the number of observers;

4. Calls upon the Government of Zaire and all other parties

(a) To accept with immediate effect investigations by the joint mission appointed by the Commission into allegations of massacres and other issues affecting human rights and to ensure the security of the members of the joint mission and their free access to all areas they wish to visit;

(b) To accept the monitoring by international observers of respect for human rights and humanitarian law and to ensure free access and security for such observers;

5. Calls upon the international community to cooperate in future efforts with respect to the reconstruction and rehabilitation of the economic and social infrastructure in eastern Zaire;

6. Decides

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) Requests the High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work and to provide appropriate technical expertise to enable the mission to fulfil its mandate;

(c) To extend the mandate of the Special Rapporteur for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also requests the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and recommendations;

(d) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(e) To continue the examination of the situation of human rights in Zaire at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.90
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Austria, Bulgaria, Canada, Czech Republic, Denmark, Finland*, Germany, Hungary*, Iceland*, Italy, Netherlands, Norway*, Romania, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to respect and promote the human rights and fundamental freedoms and values embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and in international humanitarian law,

Recalling General Assembly resolution 51/112 of 12 December 1996 on the human rights situation in the Sudan and its own resolution 1996/73 of 23 April 1996, also on the human rights situation in the Sudan,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detentions without trial, forced displacement of persons and torture, as described inter alia in numerous reports submitted to the General Assembly and the Commission on Human Rights,[1]

Expressing serious concern about reports of religious persecution, including forced conversion of Christians and animists, in government-controlled areas of the Sudan,

Gravely disturbed that the Government has not provided full and impartial investigations and reports on human rights violations and abuses,

Deeply concerned about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan,

Deeply concerned also that access of international relief organizations to civilian populations continues to be severely impeded,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, who have been forcibly displaced and who are in need of assistance and protection, and by the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people in Blue Nile province after 12 January 1997,

Deeply concerned about continued reports of slavery, servitude, the slave trade and forced labour, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations,

Also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities,

Gravely concerned about reports that these practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

---

[1] Interim report on the situation of human rights in the Sudan (A/51/490 annex), Report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), Interim report on the elimination of all forms of religious intolerance relating to a visit to the Sudan (A/51/542/Add.2). Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91).

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged by the General Assembly in resolution 51/112,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Welcoming the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, and the Working Group on Contemporary Forms of Slavery,

Welcoming also the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights from 1 to 7 December 1996,

Regretting that the second visit of the Special Rapporteur on the situation of human rights in the Sudan had to be abruptly terminated, and noting that the visit of the Special Rapporteur on freedom of opinion and expression has yet to take place,

Noting again the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Centre for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help these committees improve the observance of human rights in the Sudan,

1. Welcomes the most recent report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), and expresses its support for his work;

2. Deeply regrets that the Government of the Sudan declared it was unable to guarantee the security of the United Nations Special Rapporteur on the situation of human rights in the Sudan during his abbreviated visit to the Sudan in January 1997;

3. Expresses its deep concern at continued serious human rights violations by the Government of the Sudan, including extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture,

and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

4. Also expresses deep concern at actions by other parties to the conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge;

5. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

6. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

7. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

8. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to

ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

10. Also calls upon the Government of the Sudan to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international humanitarian law, with the assistance of the International Committee of the Red Cross and other appropriate organizations, and that those responsible for violations of such law are brought to justice;

11. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, separate children from their families and social backgrounds, forcibly round up children from the streets, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them;

12. Also urges the Government of the Sudan to carry out promptly its promised investigations into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, to complete those investigations already begun and to take all appropriate measures to put an immediate end to these practices;

13. Welcomes the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and urges the Government of the Sudan to give full effect to the work of the Committee;

14. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development or related initiatives under its auspices to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Calls once more upon the Government of the Sudan to carry out a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver such assistance;

19. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

20. Decides to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

23. Encourages the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

24. Encourages the Government of Sudan, while acknowledging the mention of positive changes, to note the concerns mentioned in the report of

the Special Rapporteur on religious intolerance and to review the recommendations made therein, with a view to modifying or repealing government legislation, policies, or activities, as suggested;

25. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur;

26. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need;

27. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session;

28. Decides to continue its consideration of this question as a matter of priority at its fifty-fourth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.91
10 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Denmark, Finland*, Iceland*, Ireland, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Situation of Human Rights in China

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

Taking note of the reports of the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/7), on freedom of opinion and expression (E/CN.4/1997/31), on the independence of judges and lawyers (E/CN.4/1997/32), violence against women (E/CN.4/1997/47), on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60) and on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91, as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary disappearances (E/CN.4/1997/34),

1. Welcomes

(a) The readiness of the Government of China to exchange information on human rights issues;

(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

(c) China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

2. Expresses its concern

(a) At continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to the freedoms of assembly, association, expression and religion as well as to due legal process and to a fair trial;

(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans, including the case of the eleventh Panchen Lama, Gedhun Choekyi Nyima;

(c) At the persecution and harsh sentences imposed on persons who have peacefully availed themselves of their freedom of assembly, association, expression or religion;

3. Calls upon the Government of China

(a) To ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it is a party, and to become party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(b) To take further measures to improve the impartial administration of justice;

(c) To release political prisoners;

(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

(e) To continue to strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission on Human Rights and to engage in a dialogue with the High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

4. Decides to request the High Commissioner on Human Rights to report on the progress of the High Commissioner's dialogue with the Government of China and on the points reflected in the present resolution to the Commission on Human Rights at its fifty-fourth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.92
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Australia*, Austria, Belgium*, Bulgaria, Canada, Chile, Cyprus*, Czech Republic, Denmark, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Kenya*, Latvia*, Liechtenstein*, Luxembourg*, Madagascar, Netherlands, Norway*, Poland*, Portugal*, Romania*, San Marino*, Senegal*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, The Former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1997/... Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the relevant provisions of the International Covenant on Civil and Political Rights and the other conventions, protocols, declarations and resolutions that form the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 51/92 of 12 December 1996,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the

safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Takes note of the report of the Special Rapporteur, including his recommendations (E/CN.4/1997/60 and Add.1);

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to seek the views and comments of all concerned, including Governments, in order to be able to respond effectively to reliable information that comes before him and to follow up on communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate;

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions as warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the

Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, in the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the

Special Rapporteur on action taken on these recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.93
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Russian Federation: proposed amendments to E/CN.4/1997/L.92

Second preambular paragraph

Delete "the" before the words "other conventions". Insert the words "human rights" after the words "the International Covenant on Civil and Political Rights and other".

Operative paragraph 7

Delete the words "all concerned, including" in line 4 after the words "the views and comments of".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.94
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Belgium*, Bulgaria, Canada, Czech Republic, Denmark, Germany, Honduras*, Hungary*, Iceland*, Israel*, Italy, Nicaragua, Romania*, Slovenia*, Spain*, Sweden*, the former Yugoslav Republic of Macedonia*, United States of America, United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1996/69 of 23 April 1996 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Noting General Assembly resolution 51/113 of 12 December 1996 regarding the situation of human rights in Cuba,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1997/53),

Profoundly concerned at continued violations in Cuba of human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Dismayed by the violation of right to life by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

1. Commends the report of the Special Rapporteur and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

5. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms, as described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur, to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and

imprisonment as well as harassment of and threats against human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

7. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

8. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded including through independent and generalized collective bargaining systems;

9. Decides to extend the mandate of the Special Rapporteur for one year;

10. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

11. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

12. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.95
11 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Austria, Belgium*, Canada, Cyprus*, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Kuwait*, Luxembourg*, Netherlands, Norway*, Portugal*, Romania*, San Marino*, Slovakia*, Spain*, Sweden*, Switzerland*, United States of America and United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949 on the protection of victims of war,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling:

(a) previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/106 of 12 December 1996 and Commission on Human Rights resolution 1996/72 of 23 April 1996;

(b) Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991 in which the Council called on Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolution 687 (1991) of 3 April 1991 and Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

1. Welcomes the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1997/57) and the observations on the general situation, including in the northern region, and the conclusions and recommendations contained therein, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, and to pay compensation to the families of those who died or disappeared in custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction

and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(k) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolution 986 (1995) and the memorandum of understanding with the Secretary-General of May 1996 on this issue, and cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(l) To cooperate in the identification of mine fields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on human rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-third session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq;

(c) To continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".